

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Robert G. Taub, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Nanci E. Langley

Berkeley Main Post Office  
Berkeley, California

Docket No. A2013-9

NOTICE AND ORDER ACCEPTING APPEAL AND  
ESTABLISHING PROCEDURAL SCHEDULE

(Issued August 1, 2013)

Notice is hereby given that, on July 31, 2013, the Commission posted a Petition for Review of the Postal Service's closure of the Berkeley main post office in Berkeley, California.<sup>1</sup> The Petition was filed by Tom Bates, the Mayor of Berkeley (Petitioner). The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2013-9 to consider Petitioner's appeal. Petitioner may further explain his position with supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than September 3, 2013.

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<sup>1</sup> See Petition for Review from Tom Bates Regarding the Berkeley Main Post Office, Berkeley, California, July 31, 2013 (Petition).

*Categories of issues apparently raised.* Petitioner contends that the Postal Service's decision to close the Berkeley main post office was: (1) without observance of procedures required by law (see 39 U.S.C. § 404(d)(5)(B)); and (2) unsupported by substantial evidence on the record (see 39 U.S.C. § 404(d)(5)(C)).

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is August 12, 2013. See 39 C.F.R. § 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is August 12, 2013.

*Availability; website posting.* The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. §§ 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

*Participation by others.* Persons other than Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before September 3, 2013. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. §§ 3025.41 through 3025.43.

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

*It is ordered:*

1. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than August 12, 2013.
2. Any responsive pleading by the Postal Service to this Notice and its response to the supplemental information are due no later than August 12, 2013.
3. The Procedural Schedule listed below is hereby adopted.

4. Pursuant to 39 U.S.C. § 505, Sean Duffy is designated an officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Ruth Ann Abrams  
Acting Secretary

## PROCEDURAL SCHEDULE

July 31, 2013	Filing of Appeal
August 12, 2013	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
August 12, 2013	Deadline for the Postal Service to file any responsive pleading
September 3, 2013	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41)
September 17, 2013	Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42)
September 27, 2013	Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43)
November 27, 2013	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))